

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

ROBERT GUILLORY,

Plaintiff,

v.

EHM PRODUCTIONS, INC., et al.,

Defendants.

Case No. 2:22-cv-06185-FLA (RAOx)  
Consolidated with  
Case No. 2:23-cv-00776-FLA (RAOx)

**AMENDED ORDER RE:  
SCHEDULE OF PRETRIAL AND  
TRIAL DATES, TRIAL  
REQUIREMENTS, AND  
CONDUCT OF ATTORNEYS AND  
PARTIES**

1       **I. SCHEDULE**

2       The Scheduling Order governing this action is set forth in the Schedule of  
3       Pretrial and Trial Dates chart below. The box in the upper right-hand corner of the  
4       chart states whether the trial will be by jury or court. If the parties<sup>1</sup> seek to set  
5       additional dates, they may file a request or, if they are in agreement, a Stipulation and  
6       a Proposed Order. This may be especially appropriate in class actions and patent  
7       cases.

8       The parties should refer to the court's Standing Order for requirements  
9       regarding specific motions, discovery, certain types of filings, courtesy copies,  
10       emailing signature items to chambers, alternative dispute resolution, and other  
11       matters pertaining to all cases. A copy of the court's Standing Order is available at:  
12       <http://www.cacd.uscourts.gov/honorable-fernando-l-aenlle-rocha>.

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<sup>1</sup> The term "parties" includes unrepresented parties as well as counsel for  
28       represented parties.

**DISTRICT JUDGE FERNANDO L. AENLLE-ROCHA  
SCHEDULE OF PRETRIAL AND TRIAL DATES**

Trial and Final Pretrial Conference Dates		Court Order
Trial		June 11, 2024, at 8:30 a.m. <input checked="" type="checkbox"/> Jury Trial <input type="checkbox"/> Bench Trial Est. 3 Days
Final Pretrial Conference ("FPTC") [L.R. 16], Hearing on Motions in Limine		May 24, 2024, at 1:00 p.m.
<b>Event<sup>1</sup></b> <u>Note:</u> Hearings shall be on Fridays at 1:30 p.m.		<b>Court Order</b>
Last Date to <u>Hear</u> Motion to Amend Pleadings or Add Parties [Friday]		September 15, 2023
Fact Discovery Cut-Off (Case No. 2:23-cv-00776-FLA (RAOx)) Fact Discovery Cut-Off (Case No. 2:22-cv-06185-FLA (RAOx))		January 26, 2024 August 11, 2023
Expert Disclosure (Initial)		February 2, 2024
Expert Disclosure (Rebuttal)		February 16, 2024
Expert Discovery Cut-Off		March 1, 2024
Last Date to <u>Hear</u> Motions [Friday] <ul style="list-style-type: none"> <li>Rule 56 Motion due at least 5 weeks before hearing</li> <li>Opposition due 2 weeks after Motion is filed</li> <li>Reply due 1 week after Opposition is filed</li> </ul>		March 29, 2024
Deadline to Complete Settlement Conference [L.R. 16-15]		April 19, 2024 <input checked="" type="checkbox"/> 1. Magistrate Judge <input type="checkbox"/> 2. Court Mediation Panel <input type="checkbox"/> 3. Private Mediation
<u>Trial Filings</u> (first round) <ul style="list-style-type: none"> <li>Motions in Limine</li> <li>Memoranda of Contentions of Fact and Law [L.R. 16-4]</li> <li>Witness Lists [L.R. 16-5]</li> <li>Joint Exhibit List [L.R. 16-6.1]</li> <li>Joint Status Report Regarding Settlement</li> <li>Proposed Findings of Fact and Conclusions of Law [L.R. 52] (bench trial only)</li> <li>Declarations containing Direct Testimony, if ordered (bench trial only)</li> </ul>		April 26, 2024
<u>Trial Filings</u> (second round) <ul style="list-style-type: none"> <li>Oppositions to Motions in Limine</li> <li>Joint Proposed Final Pretrial Conference Order [L.R. 16-7]</li> <li>Joint Agreed Upon Proposed Jury Instructions (jury trial only)</li> <li>Disputed Proposed Jury Instructions (jury trial only)</li> <li>Joint Proposed Verdict Forms (jury trial only)</li> <li>Joint Proposed Statement of the Case (jury trial only)</li> <li>Proposed Voir Dire Questions, if any (jury trial only)</li> <li>Evidentiary Objections to Declarations of Direct Testimony (bench trial only)</li> </ul>		May 10, 2024

<sup>1</sup> The parties may seek dates for additional events by filing a separate Stipulation and Proposed Order.

1                   **A. Deadlines for Motions**

2                   All motions must be noticed to be heard on or before their respective  
3 deadlines. All unserved parties will be dismissed at the time of the Final Pretrial  
4 Conference (“FPTC”) pursuant to Local Rule 16-8.1.

5                   **B. Discovery Cut-Off and Discovery Disputes**

6                   1. Discovery Cut-off: The cut-off date for discovery is not the date  
7 by which discovery requests must be served; it is the date by which all discovery,  
8 including all hearings on any related motions, must be completed. Thus, written  
9 discovery must be served and depositions must begin sufficiently in advance of the  
10 discovery cut-off date to permit the propounding party enough time to challenge  
11 responses deemed to be deficient via motion practice. Given the requirements to  
12 meet and confer and to give notice, a planned motion to compel must ordinarily be  
13 discussed with the opposing party at least six (6) weeks before the cut-off.

14                   2. Expert Discovery: All expert disclosures must be made in  
15 writing. The parties should begin expert discovery shortly after the initial  
16 designation of experts. The FPTC and trial dates will not be continued merely  
17 because expert discovery is not completed. Failure to comply with these or any other  
18 orders concerning expert discovery may result in the expert being excluded as a  
19 witness.

20                   3. Discovery Disputes: The parties must make every effort to  
21 resolve discovery disputes in a courteous, reasonable, and professional manner.  
22 Counsel must adhere to the court’s Civility and Professionalism Guidelines at:  
23 [http://www.cacd.uscourts.gov/attorneys/admissions/civility-and-professionalism-](http://www.cacd.uscourts.gov/attorneys/admissions/civility-and-professionalism-guidelines)  
24 [guidelines](http://www.cacd.uscourts.gov/attorneys/admissions/civility-and-professionalism-guidelines).

25                   4. Discovery Motions: Discovery motions are handled by the  
26 Magistrate Judge assigned to the case. Any motion challenging the adequacy of  
27 discovery responses must be filed, served, and calendared sufficiently in advance of  
28 the discovery cut-off date to permit the responses to be obtained before that date if

1 the motion is granted.

2       **C. Law and Motion and Local Rule 7-3**

3       The parties are required under Local Rule 7-3 to meet and confer to attempt to  
4 resolve disputes before filing a motion. In addition, this court requires the parties to  
5 meet and confer regarding any other request for relief except those identified in Local  
6 Rules 7-3 and 16-12.

7       The parties should review the court's Standing Order for instructions regarding  
8 motions to dismiss, motions to amend, motions for summary judgment, and other  
9 forms of relief.

10       **D. Settlement Conference/Alternative Dispute Resolution Procedures**

11       Pursuant to Local Rule 16-15, the parties must participate in a Settlement  
12 Conference or Alternative Dispute Resolution ("ADR") procedure. The Scheduling  
13 Order indicates the procedure the parties shall use. If the parties prefer an ADR  
14 procedure other than the one ordered by the court, they shall file a Stipulation and  
15 Proposed Order. The parties' request may not necessarily be granted. No case will  
16 proceed to trial unless all parties, including the principals of all corporate parties,  
17 have appeared personally at a settlement conference. In the event the settlement  
18 conference is before a Magistrate Judge, the latter shall determine the form, manner,  
19 and content of the conference.

20       The parties shall file a Joint Status Report regarding the outcome of settlement  
21 negotiations, the likelihood of possible further negotiations, and any assistance the  
22 court may provide concerning settlement negotiations. The Joint Status Report shall  
23 not disclose the parties' settlement positions, i.e., the terms of any offers or demands.  
24 If the parties were unable to reach a settlement, the Status Report shall describe the  
25 efforts made by the parties to resolve the dispute informally, i.e., the occasions and  
26 dates when the parties participated in mediation or settlement conferences. The  
27 Status Report shall also include the name of the mediator who assisted the parties  
28 with their settlement conference.

**E. Final Pretrial Conference/Proposed Final Pretrial Conference Order**

The court has set a FPTC pursuant to Fed. R. Civ. P. 16 and Local Rule 16-8. The court requires strict compliance with Fed. R. Civ. P. 16 and 26, and Local Rule 16. Each party appearing in this action must be represented at the FPTC by lead trial counsel. The parties must be prepared to discuss streamlining the trial, including presentation of testimony by deposition excerpts or summaries, time limits, and stipulations to undisputed facts.

The parties must file a proposed Final Pretrial Conference Order (“Proposed FPTCO”) at least fourteen (14) days before the FPTC. A template for the Proposed FPTCO is available on Judge Aenlle-Rocha’s webpage. The parties must use this template.

In specifying the surviving pleadings under section 1, state which claims or counterclaims have been dismissed or abandoned, e.g., "Plaintiff's second cause of action for breach of fiduciary duty has been dismissed." Also, in multiple-party cases where not all claims or counterclaims will be prosecuted against all remaining parties on the opposing side, state to which party or parties each claim or counterclaim is directed.

The parties must attempt to agree on and set forth as many uncontested facts as possible. The court will read the uncontested facts to the jury at the start of trial. A carefully drafted and comprehensively stated stipulation of facts will shorten the trial and increase jury understanding of the case.

In drafting the factual issues in dispute, the parties must state issues in ultimate fact form, not in the form of evidentiary fact issues. The issues of fact should track the elements of a claim or defense on which the jury will be required to make findings.

Issues of law should state legal issues on which the court will be required to rule during the trial and should not list ultimate fact issues to be submitted to the trier

1 of fact.

2 The parties shall email the Proposed FPTCO in Microsoft Word format to  
3 chambers at [FLA Chambers@cacd.uscourts.gov](mailto:FLA_Chambers@cacd.uscourts.gov).

4 **II. TRIAL PREPARATION**

5 The parties must comply with Local Rule 16. Pursuant to Local Rule 16-2,  
6 lead trial counsel for each party are required to meet and confer in person forty (40)  
7 days in advance to prepare for the FPTC. The parties must comply with Local Rule  
8 16-2, except where the requirements set forth in this order differ from or supplement  
9 those contained in Local Rule 16. The court may take the FPTC off calendar,  
10 continue the trial, and/or impose other sanctions for failure to comply with these  
11 requirements.

12 **A. Schedule for Filing Pretrial Documents for Jury and Bench Trials**

13 The schedule for filing pretrial documents is as follows:

14 ♦ At least twenty-eight (28) days before the FPTC:

15 • Motions in Limine  
16 • Memoranda of Contentions of Fact and Law  
17 • Witness Lists  
18 • Joint Exhibit List  
19 • Joint Status Report Regarding Settlement  
20 • Proposed Findings of Fact and Conclusions of Law (bench trial only)  
21 • Declarations containing Direct Testimony (bench trial only)

22 ♦ At least fourteen (14) days before the FPTC:

23 • Oppositions to Motions in Limine  
24 • Joint Proposed FPTCO  
25 • Joint Agreed Upon Proposed Jury Instructions (jury trial only)  
26 • Disputed Proposed Jury Instructions (jury trial only)  
27 • Joint Proposed Verdict Forms (jury trial only)  
28 • Joint Proposed Statement of the Case (jury trial only)

- Proposed Voir Dire Questions, if any (jury trial only)
- Evidentiary Objections to Declarations of Direct Testimony (bench trial only)

The parties shall email copies of: (1) the Witness Lists, (2) the Joint Exhibit List, (3) the Joint Proposed FPTCO, (4) the Joint Agreed Upon Proposed Jury Instructions, (5) the Disputed Proposed Jury Instructions, (6) Joint Proposed Verdict Forms, and (7) Proposed Voir Dire Questions, including any amended documents, in Microsoft Word format to chambers the day they are due at:

[FLA\\_Chambers@cacd.uscourts.gov](mailto:FLA_Chambers@cacd.uscourts.gov).

### **1. Motions in Limine**

Motions in limine will be heard and ruled on at the FPTC. The court may rule orally instead of in writing. Each side is limited to five (5) motions in limine unless the court grants leave to file additional motions. All motions in limine must be filed at least twenty-eight (28) days before the FPTC. Oppositions must be filed at least fourteen (14) days before the FPTC. There shall be no replies. Motions in limine and oppositions must not exceed 2,800 words in length, or ten (10) pages for handwritten briefs and briefs prepared using a typewriter.

Before filing a motion in limine, the parties must meet and confer to determine whether the opposing party intends to introduce the disputed evidence and attempt to reach an agreement that would obviate the need for the motion. Motions in limine should address specific issues (e.g., not “to exclude all hearsay”). Motions in limine should not be disguised motions for summary adjudication of issues. The court may strike excessive or unvetted motions in limine.

### **2. Witness Lists**

Witness lists must be filed twenty-eight (28) days before the FPTC. They must be in the format specified in Local Rule 16-5, and must include for each witness (i) a brief description of the testimony, (ii) the reasons the testimony is unique and not redundant, and (iii) a time estimate in hours for direct and cross-examination. The

1 parties should use the template posted to Judge Aenlle-Rocha's webpage. Any  
2 Amended Witness List must be filed by 12:00 p.m. (noon) on the Friday before trial  
3 and emailed to [FLA Chambers@cacd.uscourts.gov](mailto:FLA_Chambers@cacd.uscourts.gov) in Microsoft Word format.

4 **3. Joint Exhibit List**

5 The Joint Exhibit List must be filed twenty-eight (28) days before the FPTC. It  
6 must be in the format specified in Local Rule 16-6 and shall include an additional  
7 column stating any objections to authenticity and/or admissibility and the reasons for  
8 the objections. The parties should use the template posted to Judge Aenlle-Rocha's  
9 webpage. Any Amended Joint Exhibit List must be filed by 12:00 p.m. (noon) on the  
10 Friday before trial and emailed to [FLA Chambers@cacd.uscourts.gov](mailto:FLA_Chambers@cacd.uscourts.gov) in Microsoft  
11 Word format.

12 **4. Jury Instructions (Jury Trial Only)**

13 Joint agreed upon proposed jury instructions must be filed no later than  
14 fourteen (14) days prior to the FPTC. The parties shall make every effort to agree  
15 upon jury instructions before submitting proposals to the court. The court expects the  
16 parties to agree on the substantial majority of instructions, particularly when pattern  
17 or model jury instructions exist and provide a statement of applicable law. The  
18 parties shall meet and confer regarding jury instructions according to the following  
19 schedule:

- 20 • Thirty-five (35) days before the FPTC: The parties shall exchange  
21 proposed general and special jury instructions.
- 22 • Twenty-eight (28) days before the FPTC: The parties shall exchange any  
23 objections to the instructions.
- 24 • Twenty-one (21) days before the FPTC: The parties shall meet and  
25 confer with the goal of reaching agreement on one set of Joint Agreed  
26 Upon Proposed Jury Instructions.
- 27 • Fourteen (14) days before FPTC: The parties shall file their (1) Joint  
28 Agreed Upon Proposed Jury Instructions and their (2) Disputed Jury

1                   Instructions.

2                   The parties shall file clean and redline sets of their (1) Joint Agreed Upon  
3 Proposed Jury Instructions, and (2) Disputed Jury Instructions. The redline sets shall  
4 include all modifications made by the parties to pattern or model jury instructions,  
5 any disputed language, and the factual or legal basis for each party's position as to  
6 each disputed instruction. Where appropriate, the disputed instructions shall be  
7 organized by subject, so that instructions that address the same or similar issues are  
8 presented sequentially. If there are excessive or frivolous disagreements over jury  
9 instructions, the court will order the parties to meet and confer immediately until they  
10 substantially narrow their disagreements.

11                  **Sources:** When the *Manual of Model Jury Instructions for the Ninth*  
12 *Circuit* provides an applicable jury instruction, the parties should submit the most  
13 recent version, modified and supplemented to fit the circumstances of the case.  
14 Where California law applies, the parties should use the current edition of the  
15 *Judicial Council of California Civil Jury Instructions* ("CACI"). If neither applies,  
16 the parties should consult the current edition of O'Malley et al., *Federal Jury*  
17 *Practice and Instructions*. The parties may submit alternatives to these instructions  
18 only if there is a reasoned argument that they do not properly state the law or are  
19 incomplete. The court seldom gives instructions derived solely from case law.

20                  **Format:** Each requested instruction shall (1) cite the authority or source  
21 of the instruction, (2) be set forth in full, (3) be on a separate page, (4) be numbered,  
22 (5) cover only one subject or principle of law, and (6) not repeat principles of law  
23 contained in any other requested instruction. Jury instructions should be modified as  
24 necessary to fit the facts of the case (e.g., inserting names of parties or witnesses to  
25 whom an instruction applies). Where language appears in brackets in the pattern or  
26 model instruction, counsel shall select the appropriate text and eliminate the  
27 inapplicable bracketed text.

28                  **Index:** All proposed jury instructions must have a consecutively

1 numbered joint index that lists the instructions in the order they will be given.  
 2 Disputed instructions should be included in the index. The court will renumber the  
 3 jury instructions once they are finalized. The joint index should include the  
 4 following for each instruction, as illustrated in the example below:

- 5     • the number of the instruction;
- 6     • the title of the instruction;
- 7     • the source of the instruction and any relevant case citations; and
- 8     • the page number of the instruction.

9     ***Example:***

10    Instruction

11 <u>Number</u>	12 <u>Title</u>	13 <u>Source</u>	14 <u>Page Number</u>
1       1	Trademark-Defined (15 U.S.C. § 1127)	9th Cir. 8.5.1	1

15    During the FPTC and at trial and before closing argument, the court will meet  
 16 with the parties to settle the instructions. At that time, the parties will have an  
 17 opportunity to make an oral record concerning their objections.

18    **5. Joint Verdict Forms (Jury Trial Only)**

19    The parties shall make every effort to agree on a general verdict form before  
 20 submitting proposals to the court, and shall file a proposed joint general verdict form  
 21 fourteen (14) days before the FPTC. If the parties are unable to agree on a verdict  
 22 form, the parties shall file one document titled “Competing Verdict Forms” which  
 23 shall include: (i) the parties’ respective proposed verdict form; (ii) a “redline” of any  
 24 disputed language; and (iii) the factual or legal basis for each party’s respective  
 25 position.

26    **6. Joint Statement of the Case (Jury Trial Only)**

27    The parties must file a Joint Statement of the Case fourteen (14) days before  
 28 the FPTC for the court to read to the prospective jurors before commencement of voir  
 29 dire. The joint statement should be brief and neutral and must not be more than one

1 page in length.

2 **7. Voir Dire (Jury Trial Only)**

3 Generally, a jury in a civil action will consist of eight (8) jurors. In most cases,  
4 the court will seat eight (8) prospective jurors in the jury box. The court will conduct  
5 the voir dire. The court uses a written questionnaire that requires prospective jurors  
6 to answer orally. The questionnaire is posted on Judge Aenlle-Rocha's webpage.  
7 The parties may file any proposed case-specific voir dire questions for the court's  
8 consideration at least fourteen (14) days before the FPTC. If it considers the  
9 questions proper, the court will pose the questions to the prospective jurors.

10 Each side has three (3) peremptory challenges. All challenges for cause shall  
11 be made at side bar or otherwise outside the prospective jurors' presence. The court  
12 will not necessarily accept a stipulation to a challenge for cause. After all challenges  
13 have been exercised or the parties accept the panel consecutively, the remaining  
14 jurors will be the jury.

15 **8. Proposed Findings of Fact and Conclusions of Law (Bench  
16 Trial Only)**

17 For any trial requiring findings of fact and conclusions of law, each party shall  
18 file and serve on the opposing party, no later than twenty-eight (28) days before the  
19 FPTC, its Proposed Findings of Fact and Conclusions of Law in the format specified  
20 in Local Rule 52-3.

21 The parties may submit Supplemental Proposed Findings of Fact and  
22 Conclusions of Law during the trial. Once trial concludes, the court may order the  
23 parties to file Revised Proposed Findings of Fact and Conclusions of Law with  
24 citations to the record.

25 **9. Declarations of Direct Testimony (Bench Trial Only)**

26 When ordered by the court in a particular case, each party shall, at least  
27 twenty-eight (28) days before the FPTC, file declarations containing the direct  
28 testimony of each witness whom that party intends to call at trial. If such

1 declarations are filed, each party shall file any evidentiary objections to the  
2 declarations submitted by any other party at least fourteen (14) days before the FPTC.  
3 Such objections shall be submitted in the following three-column format: (i) the left  
4 column should contain a verbatim quote of each statement objected to (including  
5 page and line number); (ii) the middle column should set forth a concise legal  
6 objection (e.g., hearsay, lacks foundation, etc.) with a citation to the corresponding  
7 Federal Rule of Evidence or, where applicable, a case citation; and (iii) the right  
8 column should provide space for the court's ruling on the objection. The court  
9 anticipates issuing its ruling on the objections during the FPTC.

10 **B. Trial Exhibits**

11 Trial exhibits that consist of documents and photographs must be submitted to  
12 the court in three-ring binders. The parties shall submit to the court three (3) sets of  
13 binders: one (1) original set of trial exhibits, and two (2) copies of trial exhibits. The  
14 original set of exhibits shall be for use by the jury during its deliberations, and the  
15 copies are for the court. The parties should prepare additional copies of exhibits for  
16 their own use and for use by witnesses. The parties must review the exhibit list and  
17 exhibit binders with the Courtroom Deputy Clerk before the admitted exhibits will be  
18 given to the jury.

19 All exhibits placed in three-ring binders must be indexed by exhibit number  
20 with tabs or dividers on the right side. Exhibits shall be numbered sequentially 1, 2,  
21 3, etc., not 1.1, 1.2, etc. *See* Local Rule 16-6. Every page of a multi-page exhibit  
22 must be numbered. Defendant's exhibit numbers shall not duplicate Plaintiff's  
23 numbers. The spine of each binder shall indicate the volume number and the range of  
24 exhibit numbers included in the volume.

25 • The original exhibits shall bear the official exhibit tags (yellow tags for  
26 Plaintiff's exhibits and blue tags for Defendant's exhibits) affixed to the  
27 front upper right-hand corner of the exhibit, with the case number, case  
28 name, and exhibit number stated on each tag. Tags may be obtained from

the Clerk's Office, or the parties may print their own exhibit tags using Forms G-14A and G-14B on the "Court Forms" section of the court's website.

- The copies of exhibits must bear copies of the official exhibit tags that were placed on the original exhibits and be indexed with tabs or dividers on the right side.

The parties must also submit to the court a USB flash drive containing electronic versions of all exhibits. Plaintiff's exhibits must be placed in a separate folder from Defendant's exhibits, and the document file names must include the exhibit number and a brief description of the document, for example: "Ex. 1 - Smith Declaration.pdf" or "Ex. 105 - Letter Dated 1-5-20.pdf."

The court provides audio/visual equipment for use during trial. The parties are encouraged to use it. More information is available at:

<http://www.cacd.uscourts.gov/clerk-services/courtroom-technology>. The court does not permit exhibits to be “published” to the jurors before they are admitted into evidence. Once admitted, exhibits may be displayed electronically using the equipment and screens in the courtroom. The court ordinarily does not permit exhibits to be handed to the jurors in the jury box. In the event an exhibit cannot be displayed properly via the monitors in the courtroom, counsel must secure approval by the court before handing an exhibit to the jury.

The parties must meet and confer at least ten (10) days before trial to stipulate as much as possible to foundation, waiver of the best evidence rule, and exhibits that may be received into evidence at the start of the trial. All such exhibits should be noted as admitted on the court and Courtroom Deputy Clerk's copy of the exhibit list.

### C. Materials to Present on First Day of Trial

The parties must present the following materials to the Courtroom Deputy Clerk on the first day of trial:

111

- 1       1. The three sets of binders described above, with one (1) original set of  
2           trial exhibits for the jury, and two (2) copies of trial exhibits for the  
3           court.
- 4       2. The USB flash drive containing electronic versions of all exhibits.
- 5       3. Any excerpts of deposition transcripts to be used at trial, either as  
6           evidence or for impeachment. These lodged depositions are for the  
7           court's use. The parties must use their own copies during trial.

8           **D. Court Reporter**

9           Any party requesting special court reporter services for any hearing, such as  
10          "Real Time" transmission or daily transcripts, shall notify the court reporter at least  
11          fourteen (14) days before the hearing date.

12           **E. Jury Trial**

13           On the first day of trial, court will commence at 8:30 a.m. The court will  
14          address initially preliminary matters and call a jury panel only when it is satisfied the  
15          case is ready for trial. Jury selection usually takes a few hours. The parties should be  
16          prepared to proceed with opening statements and witness examination immediately  
17          after jury selection. On the remaining days of trial, court will commence at 8:15 a.m.  
18          and conclude at approximately 2:30 p.m.

19           Fridays are usually reserved for the court's calendar. As a result, trial will not  
20          be held on Fridays unless the jury is deliberating or the court's calendar allows trial  
21          to proceed. Therefore, during the first week, trial days are generally Tuesday through  
22          Thursday. After the first week, trial days are generally Monday through Thursday.

23           **III. CONDUCT OF ATTORNEYS AND PARTIES**

24           **A. Meeting and Conferring Throughout Trial**

25           The parties must continue to meet and confer on all issues that arise during  
26          trial. The court will not rule on any such issue unless the parties have attempted to  
27          resolve it first.

28           ///

1                   **B.     Opening Statements, Witness Examinations, and Summation**

2                   Counsel must use the lectern. Counsel should not consume jury time by  
3 writing out words and drawing charts or diagrams. All such aids must be prepared in  
4 advance. When appropriate, the court will establish and enforce time limits for all  
5 phases of trial, including opening statements, closing arguments, and the examination  
6 of witnesses.

7                   **C.     Objections to Questions**

8                   Counsel must not make speaking objections before the jury or otherwise make  
9 speeches, restate testimony, or attempt to guide a witness.

10                  When objecting, counsel must rise to state the objection and state only that  
11 counsel objects and the legal grounds for the objection. If counsel desires to argue an  
12 objection further, counsel must seek permission from the court to do so.

13                  **D.     Closing Arguments and Post-Trial Briefs (Bench Trial)**

14                  For an overview and review of the evidence presented during trial, the court  
15 will rely on the parties' closing arguments. In delivering closing arguments, the  
16 parties shall use their respective proposed findings of fact and conclusions of law as a  
17 "checklist" and should identify the evidence that supports their proposed findings.  
18 The court will not accept post-trial briefs unless it finds that circumstances warrant  
19 additional briefing and such briefing is specifically authorized.

20                  **E.     General Decorum While in Session**

21                  1.        Counsel must not approach the Courtroom Deputy Clerk, the jury  
22 box, or the witness stand without court authorization and must return to the lectern  
23 when the purpose for the approach has been accomplished.

24                  2.        Counsel must rise when addressing the court, and when the court  
25 or the jury enters or leaves the courtroom, unless directed otherwise.

26                  3.        Counsel must address all remarks to the court. Counsel must not  
27 address the Courtroom Deputy Clerk, the court reporter, persons in the audience, or  
28 opposing counsel. Any request to re-read questions or answers shall be addressed to

1 the court. Counsel must ask the court's permission to speak with opposing counsel.

2       4. Counsel must not address or refer to witnesses or parties by first  
3 names alone, except for witnesses who are below age fourteen (14).

4       5. Counsel must not offer a stipulation unless counsel have conferred  
5 with opposing counsel and have verified that the stipulation will be acceptable.

6       6. Counsel must remain at counsel table throughout trial except to  
7 examine witnesses, or as otherwise needed to present evidence. Counsel must not  
8 leave counsel table to sit in the gallery or confer with any person in the back of the  
9 courtroom without the court's permission.

10      7. Counsel must not make facial expressions, nod, shake their heads,  
11 comment, or otherwise exhibit in any way any agreement, disagreement, or other  
12 opinion or belief concerning the testimony of a witness or argument by opposing  
13 counsel. Counsel shall instruct their clients and witnesses not to engage in such  
14 conduct.

15      8. Counsel must never speak to jurors under any circumstance, and  
16 must not speak to co-counsel, opposing counsel, witnesses, or clients if the  
17 conversation can be overheard by jurors. Counsel must instruct their clients and  
18 witnesses to avoid such conduct.

19      9. Where a party has more than one lawyer, only one attorney may  
20 conduct the direct or cross-examination of a particular witness or make objections as  
21 to that witness.

22      10. Bottled water is permitted in the courtroom but may not be placed  
23 on counsel table or the lectern. Food and other beverages are not permitted. Cell  
24 phones must be silenced or may be confiscated.

25      **F. Promptness**

26      1. The court expects the parties, counsel, and witnesses to be  
27 prompt. Once the parties and their counsel are engaged in trial, the trial must be their  
28 priority. The court will not delay progress of the trial or inconvenience jurors.

1           2. If a witness was on the stand at the time of a recess or  
2 adjournment, the party that called the witness shall ensure the witness is back on the  
3 stand and ready to proceed as soon as trial resumes.

4           3. The parties must notify the Courtroom Deputy Clerk in advance if  
5 any party, counsel, or witness requires a reasonable accommodation based on a  
6 disability or other reason.

7           4. No presenting party may be without witnesses. If a party's  
8 remaining witnesses are not immediately available, thereby causing an unreasonable  
9 delay, the court may deem that party to have rested.

10          5. The court generally will accommodate witnesses by permitting  
11 them to be called out of sequence. Counsel should meet and confer in advance and  
12 make every effort to resolve the matter.

13          **G. Exhibits**

14          1. Counsel must keep track of their exhibits and exhibit list, and  
15 record when each exhibit has been admitted into evidence.

16          2. Counsel are responsible for any exhibits they secure from the  
17 Courtroom Deputy Clerk and must return them before leaving the courtroom.

18          3. Any exhibit not previously marked must be accompanied by a  
19 request that it be marked for identification at the time of its first mention. Counsel  
20 must show a new exhibit to opposing counsel before the court session in which it is  
21 mentioned.

22          4. Counsel must inform the Courtroom Deputy Clerk of any  
23 agreements reached regarding any proposed exhibits, as well as those exhibits that  
24 may be received into evidence without a motion to admit.

25          5. When referring to an exhibit, counsel must refer to its exhibit  
26 number. Counsel should instruct their witnesses to do the same.

27          6. Counsel should not ask witnesses to draw charts or diagrams or  
28 ask the court's permission for a witness to do so. All demonstrative aids must be

1 prepared fully in advance of the day's trial session.

2           **H. Depositions**

3           1. In using deposition testimony for impeachment, counsel may  
4 adhere to either one of the following procedures:

5           a. If counsel wishes to read the questions and answers as  
6 alleged impeachment and ask the witness no further questions on that subject,  
7 counsel shall first state the page and line where the reading begins and the page and  
8 line where the reading ends, and allow time for any objection. Counsel may then  
9 read the portions of the deposition into the record.

10           b. If counsel wishes to ask the witness further questions on the  
11 subject matter, the deposition shall be placed in front of the witness and the witness  
12 told to read the relevant pages and lines silently. Counsel may then either ask the  
13 witness further questions on the matter and thereafter read the quotations, or read the  
14 quotations and thereafter ask further questions. Counsel should have available for  
15 the court and the witness extra copies of the deposition transcript for this purpose.

16           2. Where a witness is absent and the witness's testimony is to be  
17 offered by deposition, counsel may (a) have an individual sit on the witness stand and  
18 read the testimony of the witness while the examining lawyer asks the questions, or  
19 (b) have counsel read both the questions and the answers.

20           **I. Using Numerous Answers to Interrogatories and Requests for  
21           Admission**

22           Whenever counsel expects to offer a group of answers to interrogatories or  
23 requests for admissions extracted from one or more lengthy discovery responses,  
24 counsel should prepare a new document listing each question and answer and  
25 identifying the document from which it has been extracted. Copies of this new  
26 document should be given to the court and the opposing party in advance.

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1                   **J. Advance Notice of Unusual or Difficult Issues**

2                   If any party anticipates that a difficult question of law or evidence will  
3 necessitate legal argument requiring research or briefing, that party must give the  
4 court advance notice. The parties must notify the Courtroom Deputy Clerk  
5 immediately of any unexpected legal issue that could not have been foreseen and  
6 addressed in advance. To the extent such issue needs to be addressed outside the  
7 jury's presence, the relevant party must inform the Courtroom Deputy Clerk before  
8 jurors are excused for the day to minimize the time jurors are kept waiting. The court  
9 expects all parties to work diligently to minimize delays and avoid keeping jurors  
10 waiting.

11                   **K. Continuances of Pretrial and Trial Dates**

12                   Requests for continuances of pretrial and trial dates must be by motion,  
13 stipulation, or application, and be accompanied by a detailed declaration setting forth  
14 the reasons for the requested relief. The declaration should include whether any  
15 previous requests for continuances have been made and whether these requests were  
16 granted or denied by the court. Stipulations extending dates set by the court are not  
17 effective unless approved by the court.

18                   The court has a strong interest in keeping scheduled dates certain, and changes  
19 in dates are disfavored. Trial dates set by the court will not readily be changed.  
20 Therefore, a request or stipulation to continue a trial or pretrial date must be  
21 supported by a detailed factual showing of good cause and due diligence  
22 demonstrating the necessity for the continuance and a description of the parties'  
23 efforts, dating back to the filing of the complaint, of the steps they have taken to  
24 advance the litigation. This detailed showing must demonstrate that the work still to  
25 be performed reasonably could not have been accomplished within the applicable  
26 deadlines. General statements are insufficient to establish good cause. Without such  
27 compelling factual support and showing of due diligence, requests to continue dates  
28 set by the court may be denied.

1           Parties appearing pro se must comply with the Federal Rules of Civil  
2           Procedure and the Local Rules. See Local Rules 1-3 and 83-2.2.3.

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4           IT IS SO ORDERED.

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6           Dated: September 6, 2023

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9           FERNANDO L. AENLLE-ROCHA

10           United States District Judge

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